

COMMENTS

Priority:

The Office Action states that the declaration filed April 2, 2004 states that Applicant does not claim priority, while the specification states that the present application claims priority to Chinese Patent Application No. 01126278.8, filed July 19, 2001. The Office Action requests clarification in this regard.

Applicant confirms that the statement regarding priority in the April 2, 2004 declaration is an inadvertent error. As set forth in the specification as originally filed, the present application claims priority to Chinese Patent Application No. 01126278.8, filed July 19, 2001.

Specification and claim objections:

The Office Action objects to paragraphs [0025] and [0026] for failing to set forth sequence identifiers for the amino acid sequences of Figures 2 and 3. Applicant believes that the Office Action is referring to paragraphs [0031] and [0032] of the published application, which correspond to the brief descriptions of Figures 2 and 3. Applicant has amended paragraphs [0031] and [0032] to specify that fragments (1), (2), (3), (4), (1'), (2'), (3'), and (4') correspond to SEQ ID NOs: 19-26, respectively.

The Office Action objects to the abbreviation "MWCO" in paragraph [0129], and requires that the abbreviation be spelled out in its first instance of use. Applicant believes that the Office Action is referring to paragraph [0153] of the published application, which appears to be the first use of the term "MWCO" in the

specification. Applicant has amended paragraph [0153] to specify that “MWCO” refers to molecular weight cut-off.

The Office Action objects to various items in claims 1, 3, and 16. Applicant has canceled each of these claims, rendering these objections moot.

Rejections under 35 U.S.C. 112, second paragraph:

Applicant has canceled claims 1-16, rendering these rejections moot.

Rejections under 35 U.S.C. 112, first paragraph:

The Office Action rejects certain claims and objects to the specification based on the reference deposit with the “China Committee for Culture Collection of Microorganism General Microbiological Culture Center” under accession number “CGNCC No. 0559.” According to the Office Action, there is no indication in the specification as to the public availability of this deposited material.

The specification as published expressly states at paragraph [0086] that Deposit Number CGMCC No. 0599 was made in accordance with the Budapest Treaty. Applicant has submitted herewith a declaration by an attorney of record verifying that this deposit was made under the Budapest Treaty, and that this deposit will be available irrevocably and without restriction or condition to the public in the event a patent issues from the present application.

Rejections under 35 U.S.C. 102:

Applicant has canceled claims 1-16, rendering these rejections moot.

Rejections under 35 U.S.C. 103:

Applicant has canceled claims 1-16, rendering these rejections moot.

New claims:

Applicant has added new claims 37-58. These claims are supported by the specification as filed, and as such do not add new matter. The following chart provides exemplary support for each of these claims in the specification as published.

Claims	Support in Specification
37, 38, 39, 50, 51, 52	Claim 1, figure 4 and paragraphs [0073], [0074], [0075] and [0076]
40, 42, 53, 54	Claim 1, Examples 1, 2 and 3
41, 43	Paragraph [0076], Examples 4-9
44, 45, 55, 56	Claim 2, paragraph [0074]
46, 47, 57, 58	Claim 3, paragraph [0075]
48	Claim 15
49	Claim 16

Rasmussen et al. (WO 9517510) do not anticipate or render obvious the method of claim 37. In the method of claim 37, multiple copies of GLP1(7-36) gene fragments are inserted into the vectors in multiple steps. In Rasmussen et al., the GLP-1(7-36) coding units were generated by PCR, then inserted into a vector in a single step. Vectors containing a large number of copies of GLP1(7-36) gene fragments (e.g., 8, 16, or 32 copies) can easily be made using the method of claim 37, but not using the method taught by Rasmussen et al.

If Applicant can do anything more to expedite this application, Applicant request that the Examiner contact the undersigned at (310) 788-3218.

Respectfully submitted,
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